

ENTERED

November 29, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

DEAN FOODS COMPANY, *et al.*,¹

Debtors.

Chapter 11

Case No. 19-36314 (DRJ)

(Jointly Administered)

Daniel H. Golden, as Liquidating Trustee of the
DFC Liquidating Trust,

Plaintiff,

vs.

Adv. No. 21-03067

Kellogg Sales Company,

Defendant.

**JOINT STIPULATION OF THE PARTIES TO EXTEND CERTAIN DEADLINES IN
THE SCHEDULING ORDER**

(Docket No. 19)

The parties in the above-captioned adversary proceeding (the “Adversary Proceeding”) hereby stipulate and agree as follows:

A. Plaintiff Daniel H. Golden, as Liquidating Trustee of the DFC Liquidating Trust (the “Plaintiff” or “the Trustee”),² filed the above Adversary Proceeding in the First Wave of Avoidance Actions on April 28, 2021. (Adv. Docket No. 1).

B. Defendant Kellogg Sales Company (“Defendant,” and together with Plaintiff, the “Parties”) opted into the mediation process set forth in the *Order Establishing Procedures*

¹ The debtors or liquidating debtors in these chapter 11 cases, along with the last four digits of their respective Employer Identification Numbers, are as follows: Dean Foods Company (9681) and Dean Holding Company (8390). The liquidating debtors’ mailing address is: Daniel H. Golden, Trustee, Dean Foods Company Estate & Liquidating Trust, In Care of BRG, 250 Pehle Avenue, Suite 301, Saddle Brook, NJ 07663, Attn: Rick Wright.

² Or his predecessor in interest, as applicable.

Governing Certain Adversary Proceedings Commenced by the Debtors Pursuant to 11 U.S.C. §§ 547, 548, 549, and 550 (the “Procedures Order”) (Bankr. Case No. 19-36313, Docket No. 3646).

The Procedures Order governs this Adversary Proceeding.

C. On October 14, 2022, Plaintiff filed a Motion for Summary Judgment (the “Motion for Summary Judgment”). (Adv. Docket No. 14). Defendant filed a response on November 4, 2022 (the “MSJ Response”) and Plaintiff filed a reply on November 21, 2022 (the “MSJ Reply”). (Adv. Docket Nos. 17, 18).

D. The Procedures Order provides, in pertinent part, that the deadline to file a joint pretrial statement is November 21, 2022, and further that a pretrial conference (the “Pretrial Conference”) will take place on November 29, 2022.

E. The Parties desire to extend the time for submitting a joint pretrial statement and for conducting the Pretrial Conference until after such time as the Court has had opportunity to consider and determine the Motion for Summary Judgment and related briefing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED TO BY THE PARTIES, AND UPON APPROVAL BY THE COURT OF THIS STIPULATION AND AGREED ORDER, IT IS SO ORDERED AS FOLLOWS:

Notwithstanding anything in the Procedures Order or elsewhere to the contrary, a hearing on the Motion for Summary Judgment, MSJ Response, and MSJ Reply will be conducted on December 19, 2022 at 4:00 p.m. (Central Time) (the “MSJ Hearing”), and at the conclusion of the MSJ Hearing, and as may be necessary based upon the Court’s ruling at the MSJ Hearing (if any),

the Parties will establish an agreed schedule for pre-trial matters, including the filing of any pre-trial statement, as well as a trial date, subject to the availability and convenience of the Court.

IT IS SO ORDERED.

Signed: November 29, 2022.


DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND CONTENT:

Dated: November 23, 2022

/s/ Nicholas C. Brown

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*Counsel for Defendant, Kellogg Sales
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CERTIFICATE OF SERVICE

I certify that on November 23, 2022, a true and correct copy of the foregoing pleading was served by the Bankruptcy Court's CM/ECF to all parties that are registered to receive such notice in the Adversary Proceeding.

/s/ Michael D. Warner

Michael D Warner